

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JANET TAYLOR and JAMES NEWLANDS,  
individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

WALTER KIDDE PORTABLE EQUIPMENT,  
INC.,

Defendant.

Case No. 1:21-cv-00839

**DEFENDANT WALTER KIDDE PORTABLE EQUIPMENT INC.'S  
REPLY IN SUPPORT OF SUGGESTION OF DEATH AND REQUEST FOR HEARING**

Pursuant to Federal Rule of Civil Procedure 25 and LR 7.3(h), Defendant Walter Kidde Portable Equipment, Inc. ("Kidde"), hereby files this Reply in Support of Suggestion of Death and Request for Hearing.

On August 26, 2024, Kidde filed a Suggestion of Death and Request for Hearing (Doc. 61) after learning from plaintiffs' counsel that plaintiff James Newlands had passed away and discovering through Kidde's own investigation that Mr. Newlands's death had occurred on January 7, 2023, more than 19 months prior. Kidde's goal in its filing and request for a status conference was to "address the effect of Mr. Newlands's death . . . on the schedule and other aspects of

case management” and to obtain some certainty as to “the claims and parties that are at issue” in this matter. Doc. 61 at 2, 4. Kidde also expressed “profound concerns” about the conduct of this litigation on behalf of Mr. Newlands for more than 18 months after Mr. Newlands had passed away. *Id.* at 2. Plaintiffs’ Response to Kidde’s Suggestion of Death (Doc. 62), filed September 16, 2024, alleviates neither of Kidde’s concerns.

Kidde consents to the dismissal of Mr. Newlands’s claims and all claims arising under Florida law now forecasted by plaintiffs in their Response. See Doc. 62 at 5. If plaintiffs immediately take such steps, then Kidde agrees that no status conference is necessary. However, in light of the rapidly approaching close of Phase I discovery, see Am. Joint Rule 26(f) Report (Doc. 53) at 6 and Order Approving Am. Joint Rule 26(f) Report and LR 5.5 Report (Doc. 54) (setting close of Phase I discovery 150 days after entry of the Rule 26(f) report, which is November 22, 2024), it is imperative that Kidde have certainty as to the claims and parties at issue. Therefore, if such claims are not immediately

dismissed by plaintiffs, then Kidde respectfully maintains its request for a status conference.

DATED: September 20, 2024

Respectfully submitted,

/s/ Christopher C. Lam

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Christopher C. Lam

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